



**MINUTES OF THE GILA COUNTY  
PLANNING AND ZONING COMMISSION**

**Thursday, June 21, 2018**

Gila County Board of Supervisors Conference Room  
610 E. State Hwy 260, Payson, AZ

Gila County Board of Supervisors Hearing Room  
1400 E. Ash Street, Globe, AZ

10:00 A.M.

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**REGULAR MEETING**

1. The meeting was called to order at 10:05 A.M. by Chairman Mickie Nye.
2. Pledge of Allegiance was led by Mary Lou Myers.
3. Roll Call: Therese Berumen called the roll; Chairman Mickie Nye (in Payson), Travis Holder (in Globe), Lori Brown (in Payson), Bill Marshall (in Globe), Mary Lou Myers (in Payson) and Randy Slapnicka (in Payson). Terry Otts was absent. A quorum is present.

Community Development Staff Members Present: Scott Buzan-Director, Michelle Dahlke-Senior Planner and Therese Berumen-Administrative Assistant.

4. Review and Approval of Minutes of the Planning and Zoning Commission Hearing on May 17, 2018. Mickie Nye asked if there were any changes needed. Bill Marshall motioned that the minutes be approved as recorded and Randy Slapnicka seconded the motion. It was unanimously approved.
5. **Director/Planner Communication:** At any time during this meeting of the Planning and Zoning Commission, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

Scott Buzan stated that he and the Community Development staff would like to thank the members of the Planning & Zoning Commission for their involvement. They volunteer their time every month to sit on what I consider to be a very important commission. Also, we would like to thank the public that is in attendance today, that took the time to make their views known to us, either by email, telephone, U.S. mail or even a petition. He also formally introduced Community Development's new Senior Planner, Michelle Dahlke.

**Public Hearings:**

6. **Z-18-02 Carson Eilers:** An application to amend the Gila County Zoning Ordinance for parcel 301-10-018 and 301-10-019 currently designated for C2 (Commercial Two District) to C3 (Commercial Three District) with a T overlay, allowing the applicant to have an 8 or 9 park model rental park. This property is currently vacant and located in Strawberry, AZ.

Michelle Dahlke stated that they recommend tabling this item, which is at the request of the applicant. He would like more time to research this project.

Randy Slapnicka motioned that they table the application, Z-18-02, which was a request by the applicant. The motion was seconded by Lori Brown. The motion was unanimously approved.

**Agenda Item 11 was moved, with the remaining agenda items to follow.**

**Mary Lou Myers will be abstaining from voting due to the involvement she has working in the same real estate office as Ray Pugel, as an independent contractor, per Gila County Deputy Attorney.**

**Mickie Nye stated that he used to serve on the Industrial Development Authority Commission with Ray Pugel some years ago for only 3 or 4 years and doesn't feel that it will impact his decision on the rezoning application one way or another. Also stating that he has never had a meal with Ray Pugel and there are no concerns from the county or county attorney's office.**

7. **Z-18-04 Pine Creek Resort/Ray Pugel:** An application to amend the Gila County Zoning Ordinance for parcel 301-19-019Y currently designated for R3 with PAD (Residence Three District) to TR (Transitional Residential) with a T overlay, allowing the applicant to have a park model park. This property is currently vacant and located in Pine, AZ.

Michelle Dahlke stated that this was a request, by the applicant, to rezone a property to TR with an T overlay in order to develop a 41-space park model park on Old County Road. We do recognize that we have a lot of opposition for this application and think it would be best to have the applicant, Ray Pugel come up and share his presentation with everyone. Mr. Pugel stated that the property is already zoned for 40 condominiums. We are requesting to change the zoning to build a 41-space, possibly a 38-space park model park similar to what Pine Creek Resort is currently. Some items that would make this new proposal advantageous would be: Park Models use less water than condominiums, Park Models have only 1 bedroom, less traffic, no rentals, an onsite manager and condominiums have the potential of being 3 stories high. The public areas of concern are: taxes, sewage disposal, impact on fire department, impact on sheriff's department, drainage impact, water resources, animal fragrance, traffic, noise, lighting and aesthetics. In reference to taxes, Pine Creek Resort residents will contribute to almost \$50,000 in Gila County property taxes this year, which benefits Pine schools, PSWID, sheriff's department, etc. In reference to sewage disposal, we have grave concerns in this area as well, especially with the what the cost will be. After this system is put in, it will be cleaner than any septic system in Pine or Strawberry because of the nitrate filter that will be installed. It keeps it from polluting any ground water. In reference to water resources, the park pays commercial water rates, which is higher than residential rates and less water usage than condos or single-family residential. We also have a "Will

Serve" letter from PSWID. In reference to drainage, we are mandated by the County to keep the drainage off of a developed project as close to pre-existing and pre-developed conditions as possible, which means peak flows are not increased. In reference to the fire department impact, the roof and siding on the models in Pine Creek Resort are fire resistant, with metal roofs. The fire department will more than likely require us to have a fire hydrant or two, which we will gladly install. In reference to animal control, we have rules and regulations in our contracts that mandate this and waste disposal. We do have an off-leash dog park and dog waste stations available as well. The on-site manager will make sure everything is picked up and there are no odors. In reference to traffic, there should be less traffic than there would be if there were condominiums there. In reference to noise, in our contracts, we have rules about quiet hours, no ATV joy riding and barking dog control. In reference to a landscaping plan, we will try to maintain as many as the natural trees as possible, however we will plant ash and maple trees, have a split face block wall on Old County Road, and plant low water shrubs that grow to 30' in height adjacent to Highway 87, which will provide a noise and visual barrier. In reference to lighting, we will follow the dark sky ordinance, because that is what is required and because our stars are really beautiful. In reference to aesthetics, we live in this community as well and want something that is not an eye-sore, so we spend more money on making it just that. We have a split place block wall with stone columns and put green metal roofs on the units instead of silver metal roofs. A statement was made that "The proposed project for a 41-space RV Park will not provide any benefit for the community of Pine and its residents." Fact is, more than \$40,000 collected in property taxes that benefits the PSWID, Fire Department, Pine Schools and Gila County. Also, increased revenue in Pine-Strawberry, more reliable revenue for local businesses, over \$200,000 of sales tax collected, provided revenue for local businesses and contractors and adding a fire hydrant. We believe that our park model park fits right into the Pine-Strawberry Community Plan. Darwin Huber, who is part of the Pine-Strawberry Visioning Committee, stated that yes, this park model park fits right into the Pine-Strawberry Community Plan. Lori Brown wanted to know how anyone can be kicked out of the park, for not following the rules, when they own the home. Ray Pugel stated that they can either sell the home or have it removed from the park.

The meeting was opened to public comment. With many in attendance, the consensus of the public was concerns over Pine losing its quaint small-town and quiet tone, excess of traffic and that being dangerous, needing more paramedics with the increase of people from the proposed park model park, water supply, the aesthetics of the park, not wanting another park model park in Pine, wastewater/septic issues, drainage issues, property values of surrounding owners will decrease, having one water meter for whole park vs. each unit having their own water meter, having the Planning & Zoning Commission table this application until the public has more information, not wanting this application to get approved by default due to not having it before the Board of Supervisors within 60 days, and Mary Lou Myers being on the Commission and working with Ray Pugel. Support for Ray Pugel's rezoning for his park model park stated that the water, septic, and drainage won't be approved without county and state regulations

being met, Mr. Pugel will be adding another fire hydrant, and the park will provide revenue and jobs for the community. No other public comments. The public comment portion of the meeting was closed.

Lori Brown asked everyone in attendance if they would prefer a condo over park models and the majority stated they would prefer the condos. Bill Marshall stated that he thinks they all have valid concerns about this park model park coming into Pine. Travis Holder stated that he went through something similar right in his back yard when somebody wanted to develop a park model park right behind his home and honestly, he didn't want a park model park right next door to his custom built home, but he appreciates everyone's comments and concerns and at the end of the day, the Commission will do what's best for everyone. Scott Buzan clarified that we do have all the petitions that were turned in and also that Section 105.4 (A) out of the Gila County Zoning Ordinance states, "If twenty percent (20%) or more of the owners of property by area and number within the zoning area file a protest to such change, the change shall not be made except by unanimous vote", which is not a denial, only that the Board has to vote unanimously. Randy Slapnicka stated that for the last 4 years, we have heard from the Pine-Strawberry community about having this community plan that they wanted, but by denying this request we are going against that plan 100%. How, as a Commission, do we turn down something that will use 75% less water, probably 50% less traffic and not consider the request by the applicant. If we listen to the public, they want less water and less traffic, which the park models will provide over the condominiums. Randy also stated that he drove through Mr. Pugel's other park model park and thought it was the nicest one he had seen in Gila County. Lori Brown stated that she agrees with Randy Slapnicka that the park models would generate less traffic and use less water than the condominiums, which is what they are asking for. She also likes the stipulation that there will only be park models and thinks that each park model should have their own water meter. Mary Lou Myers agrees with Randy Slapnicka and Lori Brown and also stated that having been in the real estate business in Pine for so long, when people who have a sense of community take on projects like this you are in a far better place with local people doing it then him selling it to a Phoenix developer, who would come in and not have any concerns for the community. Michelle Dahlke stated that it is the position of County Planning staff that the proposed development could be a good asset to the community if it is determined that it will not negatively impact adjacent properties and the surrounding community, will not have a negative impact on existing transportation infrastructure systems and meets all County and State requirements. A way to make this determination is to have the applicant submit a request for a development plan approval in conjunction with the rezoning request. Staff recommends that the rezoning request be tabled until a development plan is approved, but should you, the Commission, want to proceed with recommending approval the following conditions should be included: (1) The applicant shall submit a development plan as required by the County Zoning Ordinance within 180 days of approval of the rezoning case by the County Board of Supervisors, (2) All necessary building permits are obtained in a reasonable timeframe, (3) All lighting will need to be shielded in accordance with County zoning regulations, (4)



a landscaping plan should be submitted with the development plan, (5) a grading and drainage plan should be submitted with the development plan, (6) a letter from the applicable water authority indicating there is an adequate water supply to serve the proposed community without causing an undue burden on the community.

Bill Marshall motioned that they approve recommendation to the Board of Supervisors, Z-18-04, Pine Creek Resort/Ray Pugel, parcel 301-19-019Y, with the 6 conditions recommended by staff and also a condition that there be no more than 38 park model units in the park. The motion was seconded by Randy Slapnicka. The motion was unanimously approved, with Mary Lou Myers abstaining.

8. **CUP-18-02 Crown Castle by Campbell A&Z, LLC:** An application to replace an existing 61' wood pole with a new 71' steel pole on a ballast foundation system for AT&T Wireless, for parcel 201-06-007M located in NF71, Punkin Center, currently zoned R1-35 (Residence One District).

Michelle Dahlke stated that the request is to replace an existing 61' wooden pole, which contains AT&T Omni antennae for its wireless facility known as W404 Punkin Center, with a 71' steel pole with new Omni antennas. The steel pole will be connected to an above ground ballast foundation system and will be temporary in nature until a permanent location is determined. A ballast system is a relocatable, engineered support system for a pole that does not require a pole foundation like a permanent pole. This makes it easy to be relocated to a permanent location. AT&T's wireless equipment will be upgraded to accommodate the replacement pole and will be located on the existing concrete pad which houses the existing equipment. The antennae array will be located at a height of 48' on the steel pole and a microwave dish will be situated on the pole at a height of 20'. The replacement pole will serve the Punkin Center and Tonto Basin area and will improve both network coverage and enhanced digital voice and data services for customers. Scott Buzan stated that this ballast foundation system is new to our department, but everything will have to be engineered. Lori Brown stated that the area really needs this because the service is really bad. Randy Slapnicka asked the applicant why they weren't going taller with the pole. The applicant stated that they may go taller, it hasn't quite been determined yet.

The meeting was opened to public comment. No public comments. The public comment portion of the meeting was closed.

Lori Brown motioned that they approve CUP-18-02, Crown Castle by Campbell A&Z, LLC. The motion was seconded by Mary Lou Myers. The motion was unanimously approved.

9. **Z-18-03 Kenneth & Mary Heflin:** An application to amend the Gila County Zoning Ordinance for parcel 304-30-001H currently designated for GR (General Rural District) to RR (Rural Residential District), allowing the applicant to split their property into two parcels. This property is located at 180 W. H Bar Ranch Road in Payson, AZ.

Mr. and Mrs. Heflin are proposing to rezone their property from General Residential to Rural Residential to allow them to split their property into two separate, one-acre lots. According to Gila County Assessor Maps, the existing parcel is 2 acres in size. A Record of Survey/Minor Land Division was recorded with the Gila County Recorder's Office on July 27, 1995 via recording number 95-668770 which indicates the property contains 1.9997 acres. If this acreage amount is correct, splitting the property into two acres would result in one, one-acre lot and one lot measuring .99997 acres. While the smaller lot would not meet the minimum area requirement of one acre in the RR zoning district, the deficiency of 0.0003 acres is considered to be very minor and in substantial conformation with the minimum one-acre area requirement.

The meeting was opened to public comment. No public comments. The public comment portion of the meeting was closed.

Lori Brown motioned that they approve Z-18-03, Kenneth & Mary Heflin, so they can split their property. The motion was seconded by Randy Slapnicka. The motion was unanimously approved.

10. **Z-18-01 and CPA-18-01 Gene Pendergraft:** An application to amend the Land Use Designation for Parcel 301-24-001, located at 6273 W. Hardscrabble Mesa Rd., Pine, AZ currently designated for residential development to Neighborhood Commercial and an application to amend the Gila County Zoning Ordinance which is currently designated for R1L-D12 (Limited Residential Use) to TR (Transitional Residential), allowing the applicant to have a personalized engraving business.

Michelle Dahlke stated that Mr. Pendergraft is proposing to rezone the northern 65' of his property, which fronts on to Hardscrabble Road, from R1L-D12 to TR. The balance of his property will remain zoned R1L-D12. Rezoning the northern portion of the property will allow him to sell wood-engraved gifts and souvenirs that he will create in a small, 600 to 800 square foot building designed as a small cabin (see example on the following page). According to the site plan, this cabin will be located approximately 20' from the northern property line and 21' from the eastern property line. Three standard parking spaces and one handicap accessible space will be located in front of the structure for customers. Mr. Pendergraft proposes to create his wood products inside the proposed cabin with a counter top laser which, according to manufacturer specifications, has a noise intensity of 60dB, the equivalent of two people carrying on a conversation or clothes dryer in a residence. All of the wooden products used for engraving are already cut pieces of wood or already produced souvenirs. An example of some of these products is found on the following page. Mr. Pendergraft will simply create personalized engraving on these wooden items. The hours of operation for the business would be 8:30 a.m. to 6:00 p.m. Thursday through Saturday with limited hours on Sundays. On three-day holiday weekends, such as Labor Day or Memorial Day, or the Fourth of July holiday, the business would be open on a Monday. Mr. Pendergraft and his wife would run the business and there would be no other employees. The Comprehensive Plan for Gila County designates this property for Residential use with a development intensity of 2 to 3 dwelling units per acre. The proposed use would not be consistent with the intent of the Comprehensive Plan; therefore, Mr. Pendergraft

has submitted a request for a Minor Comprehensive Plan Amendment to change the land use designation of the property to Neighborhood Commercial. County staff has received written comments from neighbors, some in favor of the request and others not, with the general theme of those in opposition relating to potential traffic, noise and incompatibility with nearby residential uses. Gene Pendergraft stated that he plans to purchase a cabin that he will place on the front side of his property, which will fit into the landscaping of the area and also that he is purchasing items already built to engrave. He won't be using chainsaws, air compressors, routers, or anything to that such nature. The noise of the engraving machine is very low. Randy Slapnicka stated that he drove to the property and it would fit right into the setting of the neighborhood.

The meeting was opened to public comment. Darwin Huber stated that Mr. Pendergraft's project fits right into the Pine-Strawberry Community Plan. No other public comments. The public comment portion of the meeting was closed.

Travis Holder motioned that they approve Z-18-01 and CPA-18-01, Gene Pendergraft, with the 4 conditions recommended by staff. The motion was seconded by Lori Brown. The motion was unanimously approved.

**11. Scott Buzan:** Changes to the Gila County Subdivision Regulations No. 81502.

Scott Buzan stated that last year we had our first subdivision application in over 10 years and quickly realized that our subdivision regulations needed an update, which was approved back in 2002. Some of the updates we are looking to do are making sure all legal terms are represented. Having an option for the Board of Supervisors, so they may approve one access point for a subdivision with less than 25 lots. Having two access points is always preferable, but in the cases where it just isn't feasible, we wanted to have another option. Randy Slapnicka stated that he believes in Maricopa County, they allow a 24-foot egress/ingress as two ways of coming into a property. Michelle Dahlke stated that is correct, but they also have an emergency exit as well. Mickie Nye asked if there is only one access point, will it be required to be so many feet. Scott Buzan stated that no, at current time, we will not. If it is a county regulated road, it will have to meet county regulations. Lori Brown stated that her concern is if you don't set any standards on the width of the access point, if the HOA dwindles, it then becomes a county road and not up to county standards, which leaves the tax payers responsible for taking care of it. Michelle Dahlke stated that we are in the process of updated our Zoning Ordinance and we will be addressing the subdivision regulations as well. Scott Buzan also stated that another change we are looking to do, is to eliminate section 11, on small subdivisions (less than 20 lots), which was supposed to expediate the process by bypassing the preliminary plat submittal and going straight to the final plat submittal. Staff agreed that it wasn't very well written and was very hard to follow. What we are finding, is a lot of these developers are not very experienced and eliminating the preliminary plat submittal, is making it more difficult when they submit for the final plat.

Mary Lou Myers motioned that they approve recommendation to the Board of Supervisors, the changes brought forth to the Gila County Subdivision Regulations No. 81502. The motion was seconded by Lori Brown. The motion was unanimously approved.

12. **Adjournment.** Lori Brown made a motion to adjourn the meeting and Travis Holder seconded the motion. The Motion to adjourn was unanimously approved at 2:06 P.M.